

Appl. No. 10/719,224
Docket No. T-733 (Z-03480)
Amdt. dated August 15, 2006
Reply to Office Action mailed on May 23, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 7-10 have been canceled without prejudice. Claims 1-6 and 11-32 are currently pending in the application, of which claim 1 has been amended, claims 11-21 are currently withdrawn due to an earlier Restriction Requirement, and claims 22-32 are newly presented. No new matter has been introduced with the claim amendments.

Regarding the Restriction Requirement, Applicants hereby affirm the provisional election to the invention of Group I—the election is without traverse. The Restriction Requirement drew inventive distinction between the product claims (original claims 1-10) and the method claims (original claims 11-21).

Applicants have added new product claims 22-32. Claims 22 and 23 depend from independent claim 1. Claims 24-32 are directed to an array of topical cosmetic compositions. One of the compositions is a shave gel composition in accordance with claim 1, and the second composition is selected from the group consisting of an aftershave gel, a moisturizing lotion, a cleansing wash, and a cleansing bar. Such an array of products, and a regimen of using the same, is supported by the as-filed specification, including, for example, paragraph [0015] and Examples 1-6.

Rejections

Claims 1, 2, 4, and 7-10 stand rejected under 35 U.S.C. § 102(a) and 35 U.S.C. § 102(e) as allegedly being anticipated by Jensen et al. (U.S. 2002/0192246A1). Claims 1, 2, 4, and 7-10 also stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hsieh (WO 98/30198). Claims 1, 2, 4, and 7-10 further stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Mausner (U.S. 5,571,503).

Independent claim 1 has been amended to expressly recite that the topical cosmetic composition is in the form of a shaving gel. The shaving gel compositions, as taught by the disclosure of the as-filed application, can be formulated to produce a foamy lather upon dispensing from an appropriate container or by manipulation by a user after dispensing. The examiner notes that the above-identified references do not teach that their respective compositions are in the form of a shaving gel, but that such a product

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form recitation is not limiting in the claims unless there is a recited structural difference corresponding to the product form. Applicants have provided this structural difference by specifying that the topical cosmetic composition in the form of a shaving gel comprises a functional agent to manifest a foamy lather, such as, for example, a foaming agent, a self-foaming agent, or a lathering agent. Independent claim 1 and the claims depending therefrom accordingly are distinguished from the applied references.

Applicants respectfully request reconsideration and withdrawal of the Section 102 rejections in view of the claim amendment and above discussion.

Claims 1, 3, 5, and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsieh in view of Fike (U.S. 5,612,382). As noted above, claims 1, 3, 5, and 6 are patentably distinct from Hsieh. Since Fike does not remedy the shortcomings of Hsieh, these claims are distinguished from the combined teachings of Hsieh and Fike. Applicants therefore request reconsideration and withdrawal of the Section 103 rejection.

New Claims

New claims 24-32 are directed to an array of topical cosmetic compositions that are intended to be applied to the skin in accordance with a regimen. One of the topical cosmetic compositions within the array is a shaving gel (in accordance with claim 1). Another composition within the array is in the form of an aftershave gel, a moisturizing lotion, a cleansing wash, or a cleansing bar. Paragraph [0015] discloses combined applications of two or more different product forms of the compositions defined by the present invention. Applicants submit that the new claims are in condition for allowance, and confirmation of the same via a Notice of Allowance is respectfully requested.

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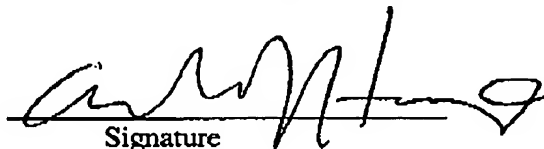
Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of claims 1-6 and 11-32 are all respectfully requested.

Respectfully submitted,

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